

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|----------|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:08CR473 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | TENTATIVE FINDINGS |
| |) | |
| QUIRT ALAN GLAZE, |) | |
| |) | |
| Defendant. |) | |

The Court has received the Presentence Investigation Report ("PSR") and the Defendant's objections thereto (Filing No. 118). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the information stated in ¶¶ 69 and 70. Although the information does not affect the sentencing guideline calculation, the objection will be discussed at sentencing.

The Court notes that the plea agreement states that the Defendant should be held responsible for a drug quantity requiring a higher base offense level than the level reported in the PSR. As neither party has objected, the Court's tentative findings are that the guideline calculation set out in the PSR will be used.

IT IS ORDERED:

1. The Defendant's objections to ¶¶ 69 and 70 will be discussed at sentencing;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are

required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and
4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 3rd day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge